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Case 3:08-cv-00367-BZ Document 25
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**Attorney for Plaintiff,
FIRE INSURANCE EXCHANGE**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FIRE INSURANCE EXCHANGE,)	No. CV 08-0367 BZ
)	
)	Magistrate Judge Bernard Zimmerman
Plaintiff,)	
)	
v.)	STIPULATION OF DISMISSAL
SUNBEAM PRODUCTS, INC.)	
and DOES 1 through)	
10, inclusive,)	
)	
Defendants.)	
)	
)	

Plaintiff and defendant file this Stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(ii).

1. Plaintiff is FIRE INSURANCE EXCHANGE; defendant is SUMBEAM PRODUCTS, INC.

2. On November 28, 2007, plaintiff sued defendant in the Superior Court, County of Alameda bearing action number RG 07358222. On January 18, 2008 the matter was removed to Federal Court bearing action number CV 08-0367 BZ.

3. Plaintiff moves to dismiss the suit.

4. Defendant, who has answered, agrees to the dismissal.

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6. A receiver has not been appointed in this case.

7. This case is not governed by any federal statute that requires a court order for dismissal of the case.

8. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.

9. This dismissal is with prejudice to refiling.

Dated: July 3, 2008

CARROLL, BURDICK & McDONOUGH LLP

By

S. Mark Varney
Attorney for Defendant
Sunbeam Products, Inc.

Dated: July 3, 2008

LAW OFFICES OF KENNETH W. TURNER

By

Kenneth W. Turner
Attorney for Plaintiff
Fire Insurance Exchange

IT IS SO ORDERED:

JUDGE OF THE FEDERAL COURT

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FIRE INSURANCE EXCHANGE et al,
Plaintiff,

Case Number: CV08-00367 BZ

CERTIFICATE OF SERVICE

v.

SUNBEAM PRODUCTS, INC. et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Thomas L. Vitu
Moffett & Dillon
255 East Brown Street
Suite 340
Birmingham, MI 48009

Dated: July 8, 2008

Richard W. Wieking, Clerk
By: Simone Voltz, Deputy Clerk

